

U.S. DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
RECEIVED

MAY 15 2006

ROBERT H. SHERWELL, CLERK  
BY                      DEPUTY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISION

LARRY AND ETHEL ARMSTRONG

CIVIL ACTION NO. <sup>04-2002J-A</sup> 04-200-A

-VS-

JUDGE DRELL

HERCULES INCORPORATED;  
MILLER TRANSPORTERS, INC. AND  
JOHN DOE (DRIVER FOR MILLER  
TRANSPORTER'S INC.)

MAGISTRATE JUDGE KIRK

JUDGMENT

After reviewing the record, including Plaintiffs' objections to the Report and Recommendation of the Magistrate Judge previously filed herein, we adopt the Magistrate's conclusion that there are no genuine issues of material fact as to whether Hercules was negligent or otherwise responsible to Plaintiffs and that Hercules is entitled to judgment as a matter of law. However, we make no finding of fact as to how the polymer on which Mr. Armstrong allegedly slipped came to be on the floor in the "stock chest room." As reflected in the Magistrate's Report and Recommendation, we conclude that Hercules did not owe Mr. Armstrong a duty, legal or contractual. Therefore, because no duty was owed, Hercules is not liable for acting negligently.

IT IS ORDERED that Defendant Hercules Incorporated's Motion for Summary Judgment (Doc. 40) is GRANTED and Plaintiffs' claims against Hercules Incorporated are dismissed with prejudice.

SIGNED on this 15<sup>th</sup> day of May, 2006, at Alexandria, Louisiana.

A handwritten signature in black ink, appearing to read "Dee D. Drell", written over a horizontal line.

DEE D. DRELL  
UNITED STATES DISTRICT JUDGE